

REMARKS

This amendment is in response to the Office Action mailed October 9, 2009. Claims 1, 7, 8, 10 and 22 have been amended and claim 23 has been added. Claim 20 has been cancelled. Claims 1-19 and 22-23 are currently pending. No new matter has been added.

§ 102 and 103 Rejections

Claims 1, 2, 5-10 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Noone, et al. (U.S. 5,916,178, hereinafter "Noone"). Claims 3, 4 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noone in view of Reynolds et al. (U.S. 7,074,197, hereinafter "Reynolds"). Applicants respectfully traverse.

Claim 1 recites a stylet having a proximal end and a distal end for use with a medical stimulating lead, the stylet comprising a handle disposed at the proximal end, an outer covering that is a tube spanning from the handle to the distal end and a solid inner core surrounded by the outer covering from the handle to the distal end.

The Office Action relies on Noone as disclosing the stylet of claim 1 (Office Action, p. 2). Noone discloses a guidewire for use in PTCA [percutaneous transluminal coronary angioplasty] procedures such as balloon angioplasty, atherectomy, stent implantation procedures or radiology procedures (Noone 1:10-12). Noone does not teach or suggest an outer covering that is a tube spanning from the handle to the distal end or a solid inner core surrounded by the outer covering from the handle to the distal end. The Office Action specifically relies on tube 30 of Noone as the outer covering of claim 1 (Office Action, p. 2). The tube portion 30 is approximately 10 to 40 cm long and only spans a portion of the 175-310 cm long guidewire 20 (Noone 1:22-36 and FIGS. 1 and 2). The tube portion 30 of Noone does not extend from the distal end of guidewire 20 to the handle of the guidewire 20. Moreover, the core wire 25 of Noone is not surrounded by the tube 30 from the handle to the distal end of the stylet, but only surrounded by the tube 30 from the distal end to the position of the first taper portion 60 where the tube 30 ends (Noone FIGS. 1 and 2). Reynolds does not cure these deficiencies of Noone. For at least these reasons, claim 1, as well as claims 2-13

and 22-23 which depend therefrom, are patentable over the cited references. Applicants respectfully request withdrawal of the rejections.

The dependent claims contain additional patentable subject matter. For example, claim 7 recites the stylet of claim 5, wherein the outer covering has a substantially constant wall thickness along the length of the stylet from the handle to the distal end. The Office Action relies on Noone as disclosing an outer covering having a substantially constant wall thickness (Office Action, p. 3). However, the tube 30 of Noone does not have a substantially constant wall thickness at the portion of the tube 30 that surrounds first taper portion 60 of the core wire 25, but instead has a “complementary taper which mates with the taper of the first core wire taper 60” (Noone 4:15-17 and FIGS. 1 and 2). Neither Noone nor Reynolds teach or suggest an outer covering having a substantially constant wall thickness along the length of the stylet from the handle to the distal end. For at least these reasons, Applicants submit that claim 7 is patentable over the cited references. Applicants therefore respectfully request that the rejection of claim 7 be withdrawn.

Claim 8 recites the stylet of claim 1, wherein the stylet has a variable outer circumference along the length of said stylet from the handle to the distal end. The Office Action notes that the distal tip’s circumference varies (Office Action, p. 3). However, as recognized in the Office Action Noone does not teach or suggest a stylet having a variable outer circumference along the length of said stylet from the handle to the distal end as recited in claim 8 (Office Action, p. 3). Instead, the guidewire 20 of Noone has a substantially uniform diameter of 0.014 inches and only varies at the distal tip (Noone 4:41-43). Neither Noone nor Reynolds teach or suggest a stylet having a variable outer circumference along the length of said stylet from the handle to the distal end. For at least these reasons, Applicants submit that claim 8 is patentable over the cited references. Applicants therefore respectfully request that the rejection of claim 8 be withdrawn.

Claim 10 recites the stylet of claim 8, wherein the inner core has a substantially constant thickness along the length of the stylet from the handle to the distal end. As can be appreciated from Noone, the core wire 25 has varying thicknesses along the length of the guidewire 20. The thickness of the core wire 25 varies between the proximal portion, the first taper 60, the first straight

segment 65, the second taper 70, the second straight segment 75 and the optional attachment taper 80 (Noone 4:9-63 and FIGS 1 and 2). Noone does not teach or suggest an inner core having a substantially constant thickness along the length of the stylet from the handle to the distal end. Reynolds also does not cure these deficiencies of Noone. For at least these reasons, Applicants submit that claim 8 is patentable over the cited references. Applicants therefore respectfully request that the rejection of claim 8 be withdrawn.

Claim 12 recites the stylet of claim 11, wherein the outer covering material is selected from the group consisting of cold drawn 304 stainless steel, 316 stainless steel, 316L stainless steel, and the inner core material is nitinol (425 nickel-titanium alloy). The Office Action relies on Reynolds as teaching an outer covering made of the claimed stainless steel alloys and states that it would have been obvious to one having ordinary skill in the art to modify Noone's invention by providing a stylet having an outer covering made of the claimed stainless steel of Reynolds (Office Action, p. 4). Specifically, the Office Action identifies a tubular connector 18 and end section 24 as the outer covering. However, tubular connector 18 of Reynolds is merely an attaching member for joining two ends of a guidewire, and portion 24 is an end section of one of the proximal portion 14 (Reynolds 2:61-4:67). Neither tubular connector 18 or end section 24 form an outer covering that is a tube spanning from the handle to the distal end of the stylet as recited in claim 1. Instead, these members are only disposed at a portion of the guidewire 110 where two portions are joined. One of ordinary skill in the art would not modify Noone with either the connector 18 or portion 24 because Noone does not have a guidewire composed of a proximal guidewire section and a distal guidewire section. For at least these reasons, Applicants submit that claim 22 is patentable over the cited references. Applicants therefore respectfully request that the rejection of claim 22 be withdrawn.

Claim 22 recites the stylet of claim 6, wherein the stylet comprises a distal end and a proximal end, and wherein the diameter of the inner core increases along the length of the stylet from the handle to the distal end of the stylet. The Office Action appears to rely on the optional attachment taper 80 as disclosing an inner core having an increasing diameter. However, the optional attachment taper 80 of Noone does not span the length of the stylet from the handle to the distal end of the stylet but only spans the most distal end of the core wire 25 (Noone 4:36-39). The

remaining portions of the core wire 25 either maintain the diameter of the core wire 25 or decrease in diameter from the handle to the distal end. Thus, Noone does not teach or suggest a stylet, wherein the diameter of the inner core increases along the length of the stylet from the handle to the distal end of the stylet. Reynolds also does not cure these deficiencies of Noone. For at least these reasons, Applicants submit that claim 22 is patentable over the cited references. Applicants therefore respectfully request that the rejection of claim 22 be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner has any questions or concerns, the Applicants encourage the Examiner to contact the Applicants' representative, Bruce Black, by telephone to discuss the matter.

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Respectfully submitted,

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